



Douglas M. Duncan  
County Executive

# CONSTRUCTIVE COMMENTS

MONTGOMERY COUNTY DEPARTMENT OF  
**PERMITTING SERVICES**  
MAY 2003



Robert C. Hubbard  
Director

## **PERMITTING FEES SLATED FOR INCREASE EFFECTIVE JULY 1, 2003**

DPS has drafted Executive Regulations for County Council approval that would increase permit fees by 15%, on average. The increases are necessary to allow DPS to keep pace with rising personnel costs, offset revenue shortfalls from last fiscal year, and maintain an adequate fund balance. The last increase in permit fees occurred in 1998.

As an enterprise-funded agency, DPS is dependent on the fees paid by its customers to underwrite its programs and services. The department operates under a policy that mandates an annual fund balance of between 15%--20% of resources to offset financial contingencies and assure funding for automation support. Without the fee increases, the declining economy and increased demands on the enterprise fund to reimburse the General Fund for DPS start-up costs would have reduced the fund balance below 10%.

The Executive Regulations will be published in the Montgomery County Register with a deadline for comment of May 31, 2003. The rest of this article provides detailed information about the fee increases.

The Department of Permitting Services was created in 1996. Revenues that support the Department are established by "Method 2"\* or "Method 3"\*\* Executive Regulations and by County Council resolution. The Method 2 Executive Regulations apply to building-permit, electrical-permit- and -

license, fire-code-plan-review, mechanical-permit, well-connection, and vendor fees. The Method 3 Executive Regulations apply to fees governing: 1) construction or work within a public road or right-of-way; 2) sediment-control, stormwater-management, and floodplain-district activities; 3) water-quality review and monitoring for Special Protection Areas; 4) benefit-performance licenses; 5) storage of goods confiscated from vendors illegally offering goods for sale; and 6) well-and-septic systems.

The following Method 2 Executive Regulations were not combined or increased by 15%:

Certification of Agricultural Producers #10-96  
Automation Enhancement Fee # 5-98  
Overtime Offset Fee #17-97  
Construction Debris Reclamation Facility #38-01

The following new fees would be created by Council resolution:  
Fee for Zoning Compliance Letters-  
Fee for Parking Waivers  
Registered Home Occupations

Continued on page 2



## ***AS I SEE IT...*** **By DPS DIRECTOR ROBERT HUBBARD**

As we report in this issue, most of our permitting fees are being increased by 15% effective next fiscal year (after July '03). While, understandably, some of our customers may greet this eventuality joylessly, I have been very gratified to receive very positive comments from many of them.

Both the Montgomery County Chamber of Commerce ("the Chamber") and the Maryland National Capital Building Industry Association ("MNCBIA") have graciously acknowledged the necessity of fee increases to allow us to keep pace with increased business costs, principally associated with employee pay and benefits and automation expenditures, and to maintain a healthy enterprise-fund balance. In a letter to Montgomery County Council President Michael Subin, Chamber President Richard Parsons states that services to County residents and businesses have "improved dramatically" and that DPS has made great strides in creating a "customer friendly" permitting environment.

Continued on page 2



## **PERMITTING FEES**

(Continued from page 1)

Council resolutions are also being proposed to increase the annual fee for: (a) enforcement of the Montgomery County Zoning Ordinance, Article 59-A-1.10, "Fees" and Article 59-G, "Special Exceptions" and (b) administration and enforcement of the Montgomery County Zoning Ordinance, Article 59-F, "Signs"

### **\*Method (2) Regulations:**

- The Council by resolution may approve or disapprove the proposed regulation within 60 days after receiving it.
- If the Council approves the regulation, the regulation takes effect upon adoption of the resolution approving it or on a later date specified in the regulation.

If the Council does not approve or disapprove the proposed regulation within 60 days after receiving it, or by any later deadline set by resolution, the regulation is automatically approved.

### **\*\*Method (3) Regulations:**

- A regulation adopted under this method is not subject to County Council approval or disapproval.
  - The issuer must send a copy of the adopted regulation to the Council after the deadline for comments published in the Register.
- The regulation takes effect when the Council receives it or on a later date specified in the regulation.



## **AS I SEE IT**

(Continued from page 1)

I cannot adequately express my gratitude to Mr. Parsons and the Chamber for such support, or to those in MNCBIA who have expressed similar sentiments. I am also grateful to the members of the Council's Transportation and Environment Committee who were also very complimentary in our recent budget hearing.

The matter of fee increases brings to mind the fact that DPS is an "enterprise" agency, i.e., our operations are funded almost entirely by the revenues contributed by our fee-paying customers. Our status as an enterprise organization creates a special bond with our clients because of the immediate association between what we do and how, in effect, we are paid to do it. My employees and I try to bear that in mind as we work with our constituents daily, and I like to think that the good things that we are hearing about DPS from the community reflect that special relationship.

I encourage all of our customers to comment on the proposed fee increases. The fees have been published in the Montgomery County Register with a deadline for comment of May 31, 2003. You may also comment to me or any of my managers on this important topic.

Again, I am very grateful to all of our clients for their continuing support, and I look forward to working with you to make sure that DPS provides everyone with the highest-quality permitting services.

### **DPS WEB SITE UNAVAILABLE MEMORIAL DAY WEEKEND**

The DPS Permit System and web site will be unavailable from 4:00 pm, Friday, May 23, 2003, through 7:00 am, Tuesday, May 27, 2003. During this period, DPS will be upgrading the core permitting system database and application software to provide enhanced system and operational capabilities. Customers will not be able to obtain permitting-process information or permit status online, or schedule/cancel inspections using the web site throughout the weekend.

This major system upgrade provides many recent advancements made by the application vendor, including expanded fee and payment processing; tracking permits and service requests by address, intersection, and location; customer (contact) information browsing/searching; integrated-customer-service-request processing; and an online "knowledge base" for easy archiving and sharing of system-usage procedures, "best practice" information, staff knowledge, and tips to all DPS staff.

We encourage our customers to schedule/cancel inspections prior to Friday, May 23 to ensure that their projects progress smoothly. Access to the DPS Permit System will be made available through our web site as soon as the maintenance effort is completed. We apologize for any inconvenience that this effort may cause.



### **RECENT PROFICIENCY ADVANCEMENTS**

As we explained last issue, proficiency advancements are non-competitive promotions that recognize an employee's readiness to assume the duties of the mid-level or the highest classification at which his or her position has been budgeted. Most proficiency advancements in DPS require completion of occupationally-specific certification requirements for promotion to the highest classification level.

We are pleased to announce the following proficiency advancements:

12/29/02 Rick Holley - Permitting Services Inspector III  
1/12/03 Eric Salo - Permitting Services Inspector III  
2/23/03 Christina Adams - Permit Technician III  
3/23/03 Mary Howard - Permitting Services Inspector I  
3/23/03 Richard Gee - Senior Permitting Services Specialist  
3/23/03 Blair Lough - Senior Permitting Services Specialist  
3/23/03 Dave Kuykendall - Senior Permitting Services Specialist  
4/2/03 Melvin Stanbrough - Permitting Services Specialist II  
4/20/03 John Hancock - Senior Permitting Services Specialist  
4/20/03 Amy Hart - Environmental Health Specialist III  
4/20/03 Kim Clark - Environmental Health Specialist III  
4/20/03 Marcie Schubert - Environmental Health Specialist III  
4/20/03 Alan Turner - Environmental Health Specialist III  
4/20/03 Andy Celmer - Environmental Health Specialist III  
5/4/03 Layiwola Afiinnih - Senior Permitting Services Specialist  
5/18/03 Mike Pokorny - Senior Permitting Services Specialist



### **NEW HIRES**



(pictured left to right are Shilong Zheng, Tom Woodhouse, Terri Mongelli, and Gail Lucas)

Thomas Woodhouse joined DPS on January 13, 2003, as a Permitting Services Inspector in the Sediment Control/Stormwater Inspection Section of the

Division of Land Development. Tom reports to Permitting Services Manager ("PSM") Mike Reahl. Previously, Tom was employed by the Prince Georges County Government as a Construction Standards Inspector II. Tom has a Bachelor's Degree in Agronomy from the University of Maryland

James Maxwell (not pictured) will start as a Permit Technician in Casework Management on May 18, 2003. James will report to PSM Sandy Kaiser. James currently works for the Board of Appeals as an Office Services Coordinator and has been with the County since 2001. Prior to his County employment, James was Marketing Director and Leasing Consultant for Equity Residential Properties. James also served in the United States Air Force as an Aerospace Maintenance Specialist.

Shilong Zheng is the newest member of the DPS automation staff in the Director's Office. Shilong reported to automation manager Tom Laycock on April 7, 2003, as an Information Technology Specialist. Most recently, Shilong worked for NOAA as a Senior Software Engineer. Prior to that, he worked at Aeptec Microsystems and the Tokheim Technology Center. Shilong has BS and MS degrees in Computer Science and ten years of varied and extensive experience in the IT field.

Gail Lucas began her DPS career as a PSM in Casework Management on April 7, 2003. Gail preceded her DPS tenure with positions in the DC Government as Community Resource Officer and Chief of Staff to the Director of the Alcoholic Beverage Regulation Administration. She has held numerous administrative positions with Arlington County. Gail has a Bachelor of Arts Degree from the University of Virginia. She will assume the responsibilities previously assigned to Aruna Miller.

Terri Mongelli joined DPS on February 10, 2003, as an Office Services Coordinator in the Division of Casework Management. She reports to Division Chief Reggie Jetter. Terri comes to us from the Division of Facilities and Services, Department of Public Works and Transportation. She has been with the County since December 2000. Prior to that, she worked for the Maryland State Highway Administration.

## BUILDING CONSTRUCTION

### CODES CORNER



News Bulletins for the  
Codes Professional

In this issue, we offer up two interpretations related to multi-family dwellings for your edification. The first has to do with roof access and the second with tenant-to-tenant-separation walls.

#### Roof Access

(by Michael Pokorney, Senior Permitting  
Services Specialist)

Section 1003.3.3.12 of the 2000 International Building Code states that access to the roof shall be provided for all buildings four or more stories in height via one stairway, unless the roof has a slope steeper than 4 units in 12. We have received several inquiries as to whether or not it would be acceptable to access the roof from a tenancy in lieu of a public-stair enclosure.

Recently, we posed this question to the Building Officials and Code Administrators International ("BOCA") for their opinion. Their response was that roof access should be through a main stairway (rated public stairway) and not through an individual tenant space or secondary non-rated stair. This interpretation is based principally on the following considerations:

Access through a tenancy forces a firefighter to leave the safety of the rated stair enclosure. Access through a tenancy may result in loss of time due to tenant-installed obstructions/lack of directions indicating the location of the access.

DPS agrees with BOCA's interpretation and now requires that roof access be located within a main-stairway enclosure.





### **Tenant-To-Tenant-Separation Walls**

(by Wayne Grossman, Stephen King, and  
Thomas Gironda, Senior Permitting  
Services Specialists)

If you haven't been able to find the requirement for **rated** tenant-to-tenant-separation walls in the 2000 International Building Code ("IBC"), there is a good reason: It's no longer there! As you may recall, it existed previously in the BOCA National Building Code, which the IBC replaced.

The only remaining explicit reference to this requirement in the IBC is in Section 402.7.2 for *Covered Mall Buildings*. Sections 310.3 and 708.1 deal with dwelling and guestroom separation. Other separation practices, such as those involving *use separation* (Table 302.3.3), or separation of *Incidental Use Areas* (Table 302.1.1), may require a rated wall at the tenant-to-tenant location, but simple tenant-to-tenant-rated separation based on the building construction type is no longer required.



### **APPROVED RESIDENTIAL CONSTRUCTION DOCUMENTS REQUIRED ON JOB SITES**

We want to remind our customers that two sets of construction documents; such as plans, specifications, and accompanying documentation; must be submitted with each permit application. DPS employees examine these documents and, if all permitting conditions have been met, approve, stamp, and return the documents to the applicant with the permit.

The Montgomery County Code requires that the approved documents be available at a building site for review by a DPS inspector. Consequently, inspectors have been instructed not to perform inspections if these documents are not available on site.

Please help us to help you avoid delays in construction schedules by assuring that approved plans are readily available onsite on the day of the inspection.

Thank you for your cooperation.



### **NEW MECHANICAL PROGRAM IN FULL SWING**

As we reported in our last issue, DPS began processing Mechanical Permits on February 3, 2003. The first permit recipient was Sears/D & M Plumbing, Heating and Air Conditioning of Owings, MD.

Sears/D & M applied to replace a furnace and install a new air-conditioning system in a single-family dwelling. The permit process went smoothly, thanks to the commitment and preparation of DPS Case-work and Building Construction staff.

The first two months of the mechanical program saw an increase in permitting activity. In February, DPS issued 63 permits and collected \$4,646, in fees. March totals were 151 permits and \$14,330, in fees.



Left to right, DPS Permitting Services Manager for Mechanical Permits Phil Waclawski, Permit Technician Barbara Comfort, Building Construction Division Chief Shahriar Amiri, and Virginia W. Myzick of Sears/D & M

## **SCREENING OF RESIDENTIAL CONSTRUCTION DOCUMENTS**

Historically, DPS plan-review staff have experienced problems with inadequate plan submissions. These submissions are characterized typically by missing, incorrect, or incomplete plan features, such as outdated code references and unspecified structural details like header and beam sizes. These omissions and mistakes too often result in plan suspensions, which delay permit issuance and, consequently, project completion.

To address this problem, the Building Construction Division has begun to screen all regular residential plans for completeness. When a plan arrives, a Permit Technician pages the Permitting Services Specialist on call and begins the process of electronically processing the permit application. While the applicant waits, the Specialist quickly reviews the plan and accepts it if there are no deficiencies. If the Specialist spots deficiencies, he or she discusses them with the applicant and identifies them on the appropriate "Plan Submittal Guideline,"\* which the applicant takes with him or her after the screening and uses to correct the plan. Many plan deficiencies can be corrected at the time of the screening.

The big advantage for clients with this process is that inadequate plans are not first accepted and then rejected weeks later for problems that could have been identified and corrected early in the permit-application process. The process mimics the commercial screening process that also seeks to avoid unnecessary delays and frustrations for our customers.

For more information about the residential screening process, contact Permitting Services Manager George Muste at 240 777-6232.

\*There are separate Plan Submittal Guidelines for "Additions/Alterations" and "New Attached and Detached Single-Family Dwellings."

## **CASEWORK MANAGEMENT**

### **JOHNSON & OWEN RECEIVE EMPLOYEE AWARDS**

Permit Technicians Peggy Johnson and Deon Owen are the latest recipients of the "Most Valuable Employee of the Quarter" award in the Division of

Casework Management ("DCWM"). The award is based on nominations from co-workers throughout the department. Nominators must consider the nominees' performance with reference to the following categories:

- CUSTOMER SERVICE ORIENTATION
- PERSONAL ACCOUNTABILITY
- ORGANIZATIONAL COMMITMENT
- EFFECTIVENESS
- PROBLEM SOLVING ABILITY
- COMMUNICATION ABILITY
- TEAMWORK ABILITY

DCWM Chief Reggie Jetter has the difficult job of reviewing all the nominations and selecting the awardee(s). Recipients are honored at a cake-and-punch reception and keep the award plaque for the duration of the quarter.

Peggy Johnson was the fall '02 winner. Comments on the nomination forms included: "Simply the best," "she's a beautiful person and a joy to work with," "Peggy is very cordial with both internal and external customers," and "Peggy knows her stuff!"

Deon Owen was the winter '03 winner. She received commendations such as: "Provides excellent customer service with a smile," "never has a bad day," "is always able to help solve problems," and "Deon's calm demeanor and depth of knowledge help customers."

We congratulate these two shining examples of DPS excellence, and hope that you will recognize Peggy and Deon the next time that you see them or talk to them on the phone.



Peggy Johnson



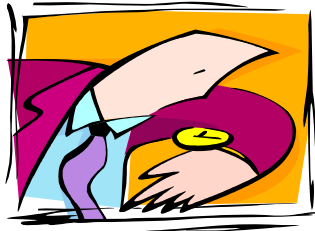
Deon Owen

# INTERACTIVE TELEPHONE INSPECTION SCHEDULING & MORE!!

240-777-6210

5am—11pm

- Get information when you want it
- Receive inspection confirmation number to ensure scheduling
- Keypad response
- Operator assistance during business hours only (7:30am—4pm Monday-Friday)



## **TO SCHEDULE AN INSPECTION**

### **1. KNOW YOUR:**

Application Number  
Application Type  
Inspection Type  
Inspection Date

The system will allow you to schedule an inspection up to 7 workdays in advance. If you are calling after 12 noon, you may not schedule an inspection for the next day.

When asked for the date, enter day of the month (example: For May 1, enter 01)

- 2. DIAL: 240 777-6210**
- 3. PRESS: 1**
- 4. FOLLOW PROMPTS**

## **TO CANCEL AN INSPECTION**

### **1. KNOW:**

Inspection Confirmation  
Number

- 2. DIAL: 240 777-6210**
- 3. PRESS: 2**
- 4. FOLLOW PROMPTS**

## **TIME IS MONEY!**

### **USE INTERACTIVE VOICE RE- SPONSE**

*When answering questions,  
remember YES = 1 and NO = 2*

## **TO GET INSPECTION RESULTS**

### **1. KNOW YOUR:**

Your Inspection Confirmation  
Number

- 2. DIAL: 240 777-6210**
- 3. PRESS: 3**
- 4. FOLLOW PROMPTS**

## **TO GET APPLICATION STATUSES**

### **1. KNOW YOUR:**

Application Number and  
Application Type

- 2. DIAL: 240 777-6210**
- 3. PRESS: 4**
- 4. FOLLOW PROMPTS**

## **TO GET INFORMATION FAXED TO YOU**

### **1. KNOW YOUR:**

Fax Number

- 2. DIAL: 240 777-6210**
- 3. PRESS: 5**
- 4. FOLLOW PROMPTS**

Use One of the Following  
Document Categories

- 88 List of Documents
- 1 General Information
- 2 Application Packages

## **OTHER FREQUENTLY USED KEY-PAD KEYS**

- \*\* Backup to immediately-preceding prompt
- \*4 Help for the prompt
- \*6 Return to main menu
- \*7 Repeat current prompt
- \*9 Quit
- \*0 Transfer to operator

## LAND DEVELOPMENT

### ASPHALT SAMPLING AND TESTING PROCEDURES FOR UPCOMING CONSTRUCTION SEASON

The State Highway Administration ("SHA") has revised the "Hot Mix Asphalt Pavement" provisions of Section 504 of its "Standard Specifications for Construction and Materials." As part of this change, SHA's Office of Materials and Technology has modified the following Sections of the "Maryland Standard Method of Test ("MSMT")":

457: "Sampling Hot Mix Asphalt Prior to Compaction"

458: "Sampling Hot Mix Asphalt for Density"

459: "Random Locations for Hot Mix Asphalt Core/Density Samples"

Asphalt producers and anyone holding asphalt certifications were informed of these changes at SHA's "Winter Roundtable" meeting.

To ensure compliance with the new state requirements, the Montgomery County Department of Public Works and Transportation ("DPWT") laboratory has revised its sampling procedures. The density-gauge test method will no longer be used to determine asphalt acceptability. The contractor's Certified Technician will take core samples (MSMT 458) at locations designated by the DPS Permitting Services Inspector (MSMT 459). The inspector will take immediate possession of the samples and deliver them to the laboratory for testing.

This article summarizes the more significant revisions to state & county specifications and procedures. Customers are encouraged to review these revisions in detail and to contact the appropriate DPS inspector/the DPWT laboratory for clarification, as necessary.

The DPWT laboratory can be reached at 301 279-1353. DPS Right-of-Way inspectors can be reached as follows:

Robert Bucklin	301-370-3683
John L. Burdette Jr.	301-370-3684
Roy D. Carter	301-370-3685
Christopher Cary	301-370-3686
Adam Curtin	301-370-3688
Charles Lawson	301-370-3687
John H. Loevy	301-370-3689
Richard Long	301 370-3709
Upton Reed	301-370-3690
Christopher Smith	301-370-3691
Ralph Wolfe	301-370-3692

### DPS RECEIVES CLEAN WATER PARTNERS AWARD

On April 1, 2003, DPS was recognized by EPA Administrator Christine Whitman and Assistant Administrator for Water G. Tracy Mehan when it received the Clean Water Partners for the 21st Century Award.

DPS and the Montgomery County Department of Environmental Protection, along with the other 13 members of the Technical Advisory Committee of the Patuxent Reservoirs Watershed Protection Group, were among the 79 groups from across the country that were commended for extraordinary actions taken to protect their local watersheds beyond the regulatory requirements of the Clean Water Act. These groups were selected from over 200 applications that emphasized voluntary cooperation for protection, restoration, pollution prevention, and public outreach. Each applicant had to demonstrate an existing good compliance record with applicable regulations. Applications were reviewed by a panel including EPA, the Water Environment Federation, AMSA, and the National League of Cities.





## **STORMWATER-MANAGEMENT UPDATE**

### **SWM Legal/Procedural Changes**

As most of our clients know, the County's stormwater-management law was modified in 2002 to comply with the stormwater-management laws and regulations of the State of Maryland. Please be advised that beginning July 1, 2003, the following types of development sites must meet these new requirements if sediment-control permits have not already been issued:

Sites that have concepts approved prior to June 20, 2002. These include previously-recorded residential lots that existed or were recorded prior to 1985 and that were subject to a requirement to pay a fee in lieu of providing on-site stormwater management.

Residential lots of two acres or more that were previously exempt from providing on-site stormwater management.

Prior to applying for new sediment-control permits, applicants must submit stormwater-management concepts to DPS for review and approval. DPS realizes that previously-recorded subdivisions may not comply completely with all of the new requirements.

### **Easements and Covenants**

The Department of Environmental Protection ("DEP") has begun the structural maintenance of residential stormwater-management facilities. To assist DEP, the Office of the County Attorney has developed new easements and covenants that clearly define landowner and County responsibilities and that give the County right-of-entry to easements to perform needed maintenance.

Please be advised that these new easements and covenants must be recorded before sediment-control permits may be issued. For existing open permits, the old easements and covenants must be terminated and the new ones must be recorded as a part of the process of approving as-built drawings prior to permit closure. Each easement and covenant must be reviewed and approved by the Office of the County Attorney. Applicants should make allowances for these requirements when applying for new permits and permit closures.

### **Sediment-Control and the MDE**

In accordance with EPA regulations, the state's "General Permit for Construction Activity" allows stormwater discharges from construction sites. All land disturbing activities of one acre or more are covered by this permit. Therefore, applicants for sediment-control permits that entail land disturbances of one acre or more must also file Notices of Intent ("NOI's") with the Maryland Department of the Environment ("MDE"). The completed NOI form is considered a formal application for coverage. Please call the MDE Compliance Program at 410-537-3510, if you have questions about this process.



Congratulations to Permitting Services Inspector Christopher Smith of the Right-of-Way Section and his wife Linda on the birth of the first child, Emily Paige, on Wednesday March 19, 2003!!!!

Emily arrived at 5:30 PM at a svelte 5 lbs 12 ozs.

## **“THE CASE OF THE DEVIOUS DUAL DISCHARGE”**

By DPS Wells-and-Septic Environmental Health Specialist and aspiring mystery writer Andrew Celmer (Customer names have been changed to provide anonymity and increase the air of mystery.)

The case began with a telephone call from Charlie Horst of 1000 Pugh Drive in Damascus. Mr. Horst reported what he believed to be sewage discharging from a storm-drain culvert into his backyard. He was especially concerned because his wife operated a childcare service from their home.

My investigation confirmed that sewage was discharging from the storm drain into the Horsts' backyard. This situation put the children at risk for diseases like gastroenteritis, cholera, and hepatitis. With a heightened sense of urgency, I began the process of identifying the source of the sewage.

An initial dye test implicated 2000 East Coli Lane as the source of the sewage. Dye introduced into the toilet appeared at the storm drain outfall. However, after the septic tank was emptied, sewage continued to pour from the storm drain. Could the initial dye test have been wrong? A second dye test was inconclusive; the dye did not appear at the storm-drain outfall.

I expanded my investigation to a house nearby at 2001 East Coli Lane. The dye test was positive; dye introduced into the toilet appeared in the storm drain. At the request of C. Aubrey Outfall, the property owner, I repeated the test and obtained the same result.

I issued Mr. Outfall a notice of violation with the following corrective options:

1. Connect to a sewer main located in Ridge Road
2. Investigate installing a replacement septic system
3. Install a sewage holding tank

Mr. Outfall decided to pursue options 1 & 2, since option 3 would have required weekly tank pumping by a licensed septage hauler. First, he contacted the Washington Suburban Sanitary Commission (“WSSC”) about connecting to the sewer main in front of his property.

At the same time, I proceeded with percolation testing, pursuant to option 2. A percolation test is a procedure that determines the rate at which liquid permeates soil. Soil permeability is the critical factor in assess-

ing whether or not a septic system may be constructed on a property. To perform the test, a hole of specified dimensions and depth is filled with water, and the rate at which the water soaks into the ground is measured.

When the house was built, percolation testing was not required. Accordingly, Mr. Outfall was not obligated to have it done. However, he decided to proceed with testing to determine whether or not a replacement septic system on his property would be feasible.

I met with Mr. Outfall's percolation-test contractor to determine if the soil were suitable for on-site sewage disposal. Our test holes revealed high clay content, and clay greatly impedes the passage of water. Also, the soil showed signs of slow water movement at various depths. Nevertheless, I set up a series of percolation tests for a conventional septic system. As expected, the water did not soak into the ground. Clearly, a conventional septic system would not work on this property.

The percolation test contractor and I set up a test for a Sand Mound System, which is a low, wide mound of sand and gravel that filters effluent. Sewage is pumped into the upper portion of the mound. The sewage receives partial treatment as it passes through the mound. The soil below the mound cleans the sewage further. Although the mound test produced marginal results, the contractor and I agreed that a very large and, unfortunately, expensive mound system was a sewage-treatment option in this case.

In the meantime, Mr. Outfall was investigating the possibility of tying into the existing sewer line. He discovered that the sewer connection had two advantages over the mound system: It was cheaper by about half, and it gave him the option of being able to add on to his house without having to worry about the capacity of his septic system. Needless to say, he chose to pursue the sewer connection.

However, as it turned out, connecting to the sewer line was no simple matter. The line was a dedicated pressure line that served a large facility elsewhere. The facility had paid to have the line installed. Further, the line was not designed to serve the many homes along its length.

These complications required that I coordinate a number of special arrangements to allow the connection to go forward:

1. I had Mr. Outfall write to Well & Septic Section Permitting Services Specialist Harry Sandberg to request his support for an expedited connection to public sewer, given the health hazard created by the failing septic system on the Outfall property.

2. The sewer category for Mr. Outfall's property was S-6. The S-6 category requires the property owner to treat the sewage generated on the property with an on-site septic system. Since on-site septic treatment was not practical on this property and public sewer was available, a change to sewer category S-1 was justifiable. The S-1 category allows a property to be served by public sewer.

3. Under these circumstances, Mr. Sandberg issued a "Health Hazard Sewer Expedite" letter to Alan Soukup of the Department of Environmental Protection. The letter is the official request document for a sewer-category change.

4. Mr. Soukup changed the sewer category from S-6 to S-1.

5. Mr. Outfall applied to WSSC for a sewer connection and submitted a copy of the Health Hazard Sewer Expedite letter. WSSC installed a sewer tap for his property on an expedited basis.

6. Mr. Outfall hired a plumber and connected to the sewer line.

During the testing and evaluation of Mr. Outfall's property, I occasionally observed sewage in the storm drain. I suspected another property, owned by a Mr. Flange, and performed a dye test. I found that the discharge occurred only under conditions of heavy flow, i.e., when hundreds of gallons of water were being used. At Mr. Flange's request, I repeated the test and obtained the same results.

Mr. Flange rented a small backhoe and uncovered a portion of the septic drain field. After running water from a garden hose through the pipes in the drain field, I determined that one of them was connected to the storm drain. I disconnected and plugged that pipe, thereby solving the problem of sewage leakage into the storm drain.

Interestingly, the pipes in the Outfall and Flange septic systems were made of terra cotta, which is a type of construction material that has not been used in septic systems in decades. This antiquated design feature led me to speculate that the systems were designed to overflow to the street. The street drainage was later improved with the installation of the storm drain. Therefore, when these two systems began to fail (all septic systems fail eventually), they discharged sewage into the storm drain.

I've been out to both properties over the past couple of months, and I can see no evidence of sewage leakage. It makes me feel good to know that; with the cooperation, patience, and persistence of everyone involved, and with no fines or court proceedings; I was able to solve a complicated scientific mystery, clean up the environment, and remove a serious public-health threat.

Case Closed.

#### CONSTRUCTION ON THE OUTFALL PROPERTY



#### INTERESTED BYSTANDERS



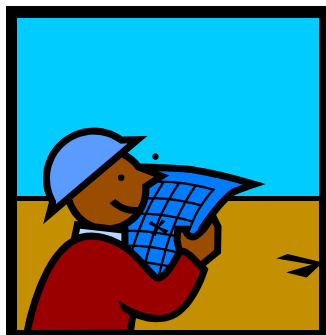


### **WANT TO LABEL YOUR STORMDRAIN? HERE'S WHOM TO CALL**

DPS receives a lot of inquiries from environmentally-conscious citizens who want to label their storm drains to advertise the fact that what goes into the drains ends up in the Chesapeake Bay. While we applaud their civic-mindedness, we are not the contact agency in this regard.

The Montgomery County Department of Public Works and Transportation ("DPWT") manages the "Storm Drain Marking Program." The program operates out of the Director's Office at 101 Monroe Street, 10th Floor, Rockville, Maryland, 20850. The program manager is Thomas Pogue, who may be reached at [240-777-7150/](tel:240-777-7150)  
[tom.pogue@montgomerycountymd.gov](mailto:tom.pogue@montgomerycountymd.gov). DPWT personnel can tell you how to obtain the stencil and affix the "Don't Dump--Chesapeake Bay Drainage" slogan on storm drains in your neighborhood.

We appreciate your commitment to protecting the Chesapeake Bay.



### **RICK BRUSH RECEIVES MNCBIA AWARD**



At a recent breakfast meeting of the Maryland National Capital Building Industry Association, DPS Permitting Services Manager Rick Brush was honored with the "Quality of Life Award." Rick received congratulations from a host of MNCBIA members and was praised for his even temperament, his cooperative demeanor, and his willingness to devise solutions to stormwater-management problems that balance the requirements of environmental law and the realities of construction practices.

### **ANDY CELMER - VIDEO CELEBRITY**



DPS Environmental Health Specialist Andy Celmer was interviewed recently on County Cable Montgomery about the DPS Well and Septic Program. The interview appeared on the "Montgomery County Comments" show. Hopefully Andy's next television appearance won't be on "America's Most Wanted!"



## DPS QUIK PICS



Permitting Services Manager George Muste



DPS PUBLIC ROOM—public telephones, computer hook-ups, copy machine, computer screen to check status



Permitting Services Information Counter



DPS Instector Upton “Dickie” Reed is the new Mayor of Damascus.



Permit Tech III Laura King







Department of Permitting Services  
255 Rockville Pike, Second Floor  
Rockville, Maryland 20850-4166

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Rockville MD  
Permit No. 138

**DPS MAIN TELEPHONE NUMBER**  
**(240) 777-6300**

- (240) 777-6210 To: Schedule an Inspection Cancel an Inspection Find the status of a permit Receive documents via fax**  
**(240) 777-6259 Complaints**  
**(240) 777-6370** Questions related to residential building permits (new construction, additions, alterations, sheds, decks, fences, swimming pools), commercial building permits, demolition permits, fire-alarm permits, fire-sprinkler permits, Use-and-Occupancy Certificates, and Historic Area Work Permits
- (240) 777-6320** Questions related to subdivision development, permits to work in the right-of-way, stormwater-management concepts, sediment-control permits, and well-and-septic permits
- (240) 777-6240** Questions related to zoning, setbacks, information, building-height restrictions, special exceptions, electrical permits and licenses, mechanical permits, vendor licenses, sign permits, and Permitting Services records
- (240) 777-6260** Division of Casework Management  
**(240) 777-6350** Division of Land Development  
**(240) 777-6200** Division of Building Construction  
**(240) 777-6360** Office of the Director  
**(240) 777-6256** TTY

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